

REMARKS

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 9 and 11-16 are pending in this application; claims 9 and 11-14 are amended. No new matter is added.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art, and that these claims are and were in full compliance with the requirements of 35 U.S.C. §112. The amendments of and additions to the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that the herewith amendments should not give rise to any estoppel, as the herewith amendments are not narrowing amendments.

II. THE REJECTIONS UNDER 35 U.S.C. §112, 2ND PARAGRAPH, ARE OVERCOME

Claims 9, 11-12, 14 and 16 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Examiner is thanked for his helpful suggestions for amending the claims to overcome these rejections, and the claims have been amended as suggested. Reconsideration and withdrawal of the rejections under 35 U.S.C. §112, second paragraph, are requested.

III. THE REJECTION UNDER 35 U.S.C. §112, 1ST PARAGRAPH, IS OVERCOME

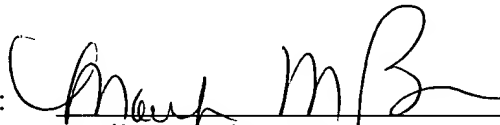
Claims 9 and 11-16 were rejected under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. The Office Action states that the specification is enabling for claims related to transforming plants with a first construct comprising an *E. coli* ammonium-specific asparagine synthase type A and a second construct comprising an entire chloroplastic glutamine synthetase gene in antisense orientation. The claims have been amended accordingly, obviating this rejection. Reconsideration and withdrawal are requested.

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date.

Respectfully submitted,

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